

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MARK GESSNER,	:	
Plaintiff,	:	Case No. 3:11cv00286
vs.	:	District Judge Thomas M. Rose
	:	Magistrate Judge Sharon L. Ovington
JOHN HOWARD, et al.,	:	
Defendants.	:	

PRO SE NOTICE OF MOTION FOR SUMMARY JUDGMENT

You are hereby notified that the Defendants filed a Motion for Summary Judgment on January 15, 2013. (Doc. #25). You should receive a copy of the Motion directly from Defendants.

Under the rules of this Court (S.D. Ohio Civ. R. 7.2) you are allowed twenty-one days from the date of service (January 15, 2013) within which to file a response to this Motion, plus an extra three days if the Motion was served on you by mail. Your response must be filed with the Court not later than **February 8, 2013**.

Under Fed. R. Civ. Proc. 56, a party faced with a Motion for Summary Judgment cannot rely merely on the claims he or she has made in the Complaint, but must respond with evidence showing that there is a genuine issue of material fact for trial in the case. The evidence must be of the same quality as would be admissible at trial in the case.

If you fail to respond to the Motion for Summary Judgment not later than **February 8, 2013**, your case may be dismissed on the merits or for failure to prosecute.

January 16, 2013

s/Sharon L. Ovington
Sharon L. Ovington
United States Magistrate Judge